

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): FEIGE, et al.

Serial No.: 10/666,696

Group Art Unit No.: 1639

Filed: September 19, 2003

Examiner: Teresa D.
Wessendorf

For: MODIFIED PEPTIDES AS
THERAPEUTIC AGENTS

Docket No.: A-527H

AMENDMENT AND RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Communication dated August 3, 2004.

Amendments to the Specification are reflected on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims that begins on page 3 of
this paper.

Remarks/Arguments begin on page 5 of this paper.

*See applied
only*

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EL 732696330 US

Date of Deposit: December 3, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Sherry L. St. Andrew

Printed Name

Sherry L. St. Andrew

Signature

10666696

010519

00000006

02/22/2005 TSURGS

01 FC:1251

110.00 DA

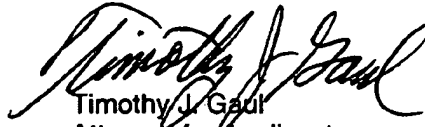
Federal Circuit. *In re O'Farrell*, 853 F. 2d 894 (Fed. Cir. 1988). Moreover, the randomized ang-2 binding peptides used in the claimed molecules have sequences that are not tied to the Tek sequence; as noted in the specification, they can result from such techniques as phage display technology, which starts with a library of random sequences rather than variations from a known sequence having the desired activity.

Finally, the Examiner's argument ignores that Cerretti *et al.* teach a limit of variation of 10 amino acids in the Tek polypeptide sequence. The soluble Tek polypeptide taught by Cerretti *et al.* has a sequence of hundreds of amino acids. So, in its teaching of variants, Cerretti *et al.* teach not only variation of up to 10 amino acids but also *adherence* to a sequence of hundreds of amino acids of the soluble Tek polypeptide. Thus, Cerretti *et al.* can be read as teaching away from the claimed invention, which relies on no adherence to the Tek sequence whatsoever.

Conclusion. In light of the foregoing amendments and remarks, the Applicants respectfully request reconsideration of the Office Action, entry of all amendments, and allowance of all claims.

Please send all future correspondence to:
U.S. Patent Operations/ TJG
Dept. 430; M/S 27-4-A
AMGEN INC.
One Amgen Center Drive
Thousand Oaks, California 91320-1799

Respectfully submitted,


Timothy J. Gaul
Attorney for Applicant
Registration No.: 33,111
Phone: (805) 447-2688
Date: December 3, 2004